

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-327-WS

February 6, 2009

Office of Regulatory Staff,)	EXPLANATORY BRIEF
Petitioner,)	AND JOINT REQUEST
v.)	FOR SETTLEMENT
Wyboo Plantation Utilities, Inc.)	CONFERENCE
<u>Respondent.</u>)	

The South Carolina Office of Regulatory Staff ("ORS") and Wyboo Plantation Utilities, Inc., ("Wyboo" or "the Company") (collectively "the Parties") pursuant to 26 S.C. Code Ann. Regs. 103-829, the Settlement Policies and Procedures of the Public Service Commission of South Carolina ("the Commission"), revised June 13, 2006, and other applicable statutes, rules and regulations, hereby file this Explanatory Brief and Joint Request to establish a settlement conference in the above-captioned proceeding and for approval of the Settlement Agreement. In support of this Joint Motion, the Parties state as follows:

1. On or about October 20, 2006, the ORS filed a Petition regarding the Company's collection of unauthorized charges and then filed an Amended Petition on December 28, 2006 requesting that the Commission open a docket and that notice be provided to Wyboo customers.
2. Pursuant to S.C. Code Ann. Section 58-4-50(A)(2) and (5) ORS has certain duties and responsibilities to make inspections, audits and examinations and to investigate complaints.
3. ORS examined the books and records of the Company relative to the issue of whether the utility was assessing rates and charges not authorized by this Commission.

4. The Commission pursuant to S.C. Code Ann. § 58-5-210 (1976) is vested with the power to supervise the rates and service of the public utility.

5. ORS and Wyboo are the only parties of record in the above-captioned docket.

6. Following extensive discussions concerning the issues in the above-captioned proceeding, Wyboo has determined that its interests, and ORS has determined that the public interest, would best be served by stipulating to a comprehensive settlement of all issues pending in the above-captioned proceeding. The agreement detailing the terms and conditions of the settlement is provided as Attachment "A".

7. Unlike other settlement agreements presented to this Commission, counsel for each Party negotiated the provisions of this Settlement Agreement simply by applying a 50/50 ratio of responsibility to the remaining outstanding balance of unauthorized charges identified by ORS. Exhibit One to the Settlement Agreement identifies the customer, the type of charge, the amount of the unauthorized charge, and whether the amount was refunded, credited, waived or remains outstanding.

8. Virtually all of the unauthorized charges that have not been waived, refunded, or credited are the water and sewer tap fees. On November 7, 2008, the Company filed a Motion for Approval of the Water Fee, Nunc Pro Tunc arguing that customers received the benefit of the taps and that the Commission should apply the water and sewer tap fees established in Order No. 2007-138 dated February 26, 2007. ORS filed a Response to the Motion arguing that rates cannot be applied retroactively citing prior S.C. Supreme Court case law. Each Party reserves its rights to continue to assert its position on these issues if the Commission does not approve this Settlement Agreement.

9. Subsequently, the Company filed for Commission approval to transfer the utility to another entity, which in turn intends to assign or has assigned the contract to Clarendon County. Both Parties agree that the ratepayers' best interests lie with approving the transfer which is currently pending before this Commission in Docket No. 2008-445-WS. ORS filed a letter dated December 17, 2008 requesting that the Commission require the Company to establish an escrow account in the amount of \$44,555.36. Pursuant to Order No. 2008-852, the Company established an escrow account in the amount of \$25,000.

10. Rather than continuing to litigate this matter at the expense of the Company and the State, the Parties agreed to a settlement whereby the Company would pay half the outstanding balance of unauthorized charges, i.e. \$11,500.07.

11. In order to present the merits of the settlement agreement to the Commission, the Parties jointly move that the Commission commence a settlement conference on February 11, 2009. Counsel will be prepared to answer any questions that the Commission may have with regard to the Settlement Agreement terms and conditions.

12. The Parties jointly request that the Commission allow the Parties to deviate from the procedures set forth by the Commission for approval of Settlement Agreements in this instance and permit counsel to present the Settlement Agreement and respond to any questions. If the Commission requires information that counsel is unable to provide, the Parties intend to have their clients (or their authorized representatives) available at the Conference.

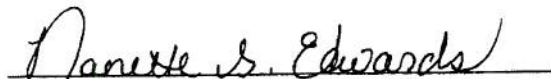
13. The Parties submit that the Settlement Agreement produces a fair and reasonable outcome from what has been a lengthy and contentious dispute. The Parties request that the Commission grant its approval of the Settlement Agreement as being in the public interest.

WHEREFORE, having fully set forth their Explanatory Brief and Joint Motion, the Parties request that the Commission 1) permit the Parties to present the merits of the settlement agreement on February 11, 2009, and 2) issue an order approving the Parties' settlement agreement as just, fair and reasonable.

[SIGNATURES ON FOLLOWING PAGE}

WE SO MOVE:

Representing the Office of Regulatory Staff



Nanette S. Edwards, Esquire

South Carolina Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, SC 29201

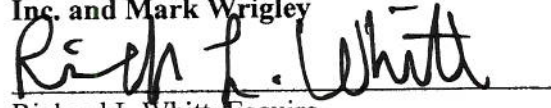
Phone: (803) 737-0575

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WE SO MOVE:

**Representing Wyboo Plantation Utilities,
Inc. and Mark Wrigley**



Richard L. Whitt, Esquire

Austin & Rogers, P.A.

508 Hampton Street, Suite 300

Columbia, South Carolina 29201

Phone: (803) 256-4000

Fax: (803) 252-3679

Email: rlwhitt@AustinRogersPA.com

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-327-WS

February 6, 2009

Office of Regulatory Staff,)
 Petitioner,)
 v.)
 Wyboo Plantation Utilities, Inc.)
Respondent.)

SETTLEMENT AGREEMENT

This Settlement Agreement is made by and between the South Carolina Office of Regulatory Staff (“ORS”) and Wyboo Plantation Utilities, Inc. (“Wyboo” or “the Company”) (together referred to as the “Parties” or sometimes individually as “Party”).

WHEREAS, the ORS filed a Petition with the Commission on October 20, 2006, regarding the Company's collection of unauthorized charges and then filed an Amended Petition on December 28, 2006;

WHEREAS, the South Carolina Public Service Commission (“Commission”) pursuant to the provisions of S.C. Code Ann. § 58-5-210 (1976) is vested with the power to supervise the rates and service of the public utility;

WHEREAS, Commission Regulations 103-502.8, 103.502.10, 103-503, 103-702.12, 103-702.13, and 103-703 require Commission approval of the Company's rates and charges;

WHEREAS, ORS examined the books and records of the Company relative to the matters raised in the Petition and, in connection therewith, has requested of and received from the Company additional documentation;

WHEREAS, the Parties have varying legal positions regarding the issues in this case;

WHEREAS, both Parties submitted pre-filed testimony in this case;

WHEREAS, the Company filed a Motion for Approval of Water Fee, Nunc Pro Tunc arguing that the consumers that were charged a water and sewer tap fee received the benefit of having the tap;

WHEREAS, ORS filed a Response to the Motion arguing that the water tap fee was not approved by the Commission and in some instances a sewer tap fee in excess of that approved by the Commission was assessed;

WHEREAS, upon Application by the Company that it intended to transfer the utility to Clarendon County, the Commission pursuant to its Order 2008-852 dated December 30, 2008, in Docket No. 2008-445-WS required the Company to hold \$25,000 in escrow from the proceeds of the closing;

WHEREAS, following the submission of prefiled testimony and the filing of the Motion and Response, the Parties engaged in discussions to determine if a settlement of the issues would be in their best interests and in the case of ORS, in the public interest;

WHEREAS, following those discussions the Company has determined that its interests and ORS has determined that the public interest would be best served by stipulating to a comprehensive settlement of all issues pending in the above-captioned case under the terms and conditions set forth herein;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following terms, which, if adopted by the Commission in its Order, will result in a refund to those customers identified by ORS as having paid a rate higher than that approved by the Commission.

1. The Parties stipulate and agree that \$11,500.07 shall be deducted from the \$25,000 currently held in escrow. This figure represents 50% of the outstanding balance of unauthorized charges. The remainder was either returned, credited, waived, or escheated to the State. Exhibit One to this Settlement Agreement provides a breakdown of the status of the fees and charges by customer. ORS identified the customers that were overcharged, in ORS' opinion, from the books and records produced by the Company covering the period of 2002-2006.

2. The Parties agree to a settlement of 50% of the remaining balance because the amount represents a balance between the benefits the consumers received by having a water tap and a penalty to the utility for assessing charges that were not approved by the Commission. The vast majority of the remaining balance concerns the water and sewer tap fees.

3. The Parties also agree that Mr. Richard Whitt, counsel for the Company, shall establish a trust account to return the monies from this Settlement to those customers identified in Exhibit One in the amount of 50% of the identified claim. Customers listed in Exhibit One will be sent a refund check by U.S. first class mail using the address information maintained by the Company. To the extent the funds cannot be returned to the customers identified in Exhibit One, those monies shall escheat to the State. Mr. Whitt shall provide updates to ORS as to the status of the return of the monies and shall retain sufficient documentation to enable ORS to review and certify to the Commission that the funds have been returned or escheated to the State. The Parties shall jointly file an update to Exhibit One with the Commission identifying the final status for each account.

4. ORS shall review and examine the documentation demonstrating that the monies have been returned or escheated to the State and shall provide to the Commission a report independently certifying completion of the return.

5. Should a customer of the Company who was not identified in Exhibit One file a complaint with the Commission regarding payment of an unauthorized charge that was the subject of this docket, any such complaints will be addressed in a separate docket. Mr. Wrigley has agreed to personal jurisdiction. See Exhibit Two.

6. ORS is charged by law with the duty to represent the public interest of South Carolina pursuant to S.C. Code § 58-4-10(B) (Supp. 2007). S.C. Code § 58-4-10(B)(1) through (3) reads in part as follows:

... 'public interest' means a balancing of the following:

- (1) concerns of the using and consuming public with respect to public utility services, regardless of the class of customer;
- (2) economic development and job attraction and retention in South Carolina; and
- (3) preservation of the financial integrity of the State's public utilities and continued investment in and maintenance of utility facilities so as to provide reliable and high quality utility services.

7. The Parties agree to advocate that the Commission accept and approve this Settlement Agreement in its entirety as a fair, reasonable and full resolution of the above-captioned proceeding and to take no action inconsistent with its adoption by the Commission. The Parties further agree to cooperate in good faith with one another in recommending to the Commission that this Settlement Agreement be accepted and approved by the Commission. The Parties agree to use reasonable efforts to defend and support any Commission order issued approving this Settlement Agreement and the terms and conditions contained herein.

8. If the Commission should decline to approve the agreement in its entirety, then any Party desiring to do so may withdraw from the Settlement Agreement without penalty or obligation.

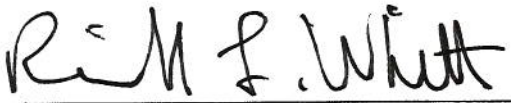
9. This Settlement Agreement shall be interpreted according to South Carolina law.

10. The above terms and conditions fully represent the agreement of the Parties hereto. Therefore, each Party acknowledges its consent and agreement to this Settlement Agreement by affixing its signature or by authorizing its counsel to affix his or her signature to this document where indicated below. Counsel's signature represents his or her representation that his or her client has authorized the execution of the agreement. Facsimile signatures and e-mail signatures shall be as effective as original signatures to bind any party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Settlement Agreement. The Parties agree that in the event any Party should fail to indicate its consent to this Settlement Agreement and the terms contained herein, then this Settlement Agreement shall be null and void and will not be binding on any Party.

SIGNATURE PAGES FOLLOW

WE AGREE:

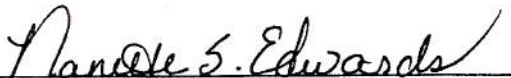
**Representing Wyboo Plantation Utilities, Inc.
And Mark Wrigley**

A handwritten signature in black ink, reading "Richard L. Whitt". The signature is written in a cursive style with a horizontal line underneath.

Richard L Whitt, Esquire
Austin & Rogers, P.A.
508 Hampton Street, Suite 300
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Phone: (803) 256-4000
Fax: (803) 252-3679
Email: rlwhitt@AustinRogersPA.com

WE AGREE:

Representing the South Carolina Office of Regulatory Staff

A handwritten signature in black ink, reading "Nanette S. Edwards". The signature is written in a cursive style with a horizontal line underneath.

Nanette S. Edwards, Esquire
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Wyboo Plantation Utilities, Inc.
Summary of Overcharges and Unauthorized Fees
Docket 2006-327-WS

Settlement Agreement Exhibit One
February 6, 2009

	A	B	C	D	E	F
1	Customer Name	Address	Date Charged	Type of Charge	Amount	6-Feb-09
2	Baker, Victor	GR-27	12/1/2003	Cut-off Fee	\$35.00	SC Treasurer
3	Galloway, Le Maya	CH-32	9/13/2004	Cut-off Fee	\$35.00	N/A
4	Durant, Alethea	CH-24	10/28/2004	Cut-off Fee	\$35.00	\$32.00
5	Scarborough, Carolyn	CH-13	2/7/2005	Cut-off Fee	\$35.00	\$2.50
6	Thompson, Thomas	GR-30	4/28/2005	Cut-off Fee	\$35.00	SC Treasurer
7	Galloway, Le Maya	CH-32	7/28/2005	Cut-off Fee	\$35.00	N/A
8	Robinson, Phillistine	CH-14	7/28/2005	Cut-off Fee	\$35.00	N/A
9	Robinson, Diane	CH-20	9/28/2005	Cut-off Fee	\$35.00	\$35.00
10	Williams, Michael	CH-44	9/28/2005	Cut-off Fee	\$35.00	N/A
11	Robinson, Phillistine	CH-14	10/29/2005	Cut-off Fee	\$35.00	N/A
12	Brown, Windy	GR-18	4/28/2006	Cut-off Fee	\$35.00	credited
13	China, Kimberly	GR-34	4/28/2006	Cut-off Fee	\$35.00	N/A
14	China, Latonya	GR-35	4/28/2006	Cut-off Fee	\$35.00	credited
15	Jeter, Aretha	GR-4	4/28/2006	Cut-off Fee	\$35.00	N/A
16	Pruitt, Keith	GR-15	4/28/2006	Cut-off Fee	\$35.00	credited
17	Watkins, Richard	GR-45	4/28/2006	Cut-off Fee	\$35.00	credited
18	Bourassa Anna, Johnson	CH-42	7/28/2006	Cut-off Fee	\$35.00	refunded
19	Hodge, Shantel	CH-44	8/28/2006	Cut-off Fee	\$30.00	SC Treasurer
20	Green, Shakeya	CH-41	9/4/2006	Cut-off Fee	\$35.00	SC Treasurer
21	Bethea, Latoya	CH-8	Sep-06	Cut-off Fee	\$35.00	\$32.00
22	Cut-off Fee Total				\$695.00	\$101.50
23						
24	Hill, Sophia	CH-45	7/28/2005	Cut-on Fee	\$35.00	credited
25	Robinson, Phillistine	CH-14	7/28/2005	Cut-on Fee	\$35.00	credited
26	Walsh, Robert	CH-46	9/8/2004	Cut-on Fee	\$35.00	credited
27	Cut-on Fee Total				\$105.00	\$0.00
28						
29	Adkins	134 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
30	Bresky	1099 Millcreek Drive	1/28/2004	DHEC Sewer Fee	\$7.50	credited
31	Bresky	18 Ridge Lake Drive	11/28/2003	DHEC Sewer Fee	\$5.00	credited
32	Bresky	18 Ridge Lake Drive	1/28/2004	DHEC Sewer Fee	\$2.50	credited
33	Bresky	18 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
34	Bresky	18 Ridge Lake Drive	3/28/2004	DHEC Sewer Fee	\$2.50	credited
35	Bresky	18 Ridge Lake Drive	4/28/2004	DHEC Sewer Fee	\$2.50	credited
36	Brown	Millcreek Drive	2/28/2004	DHEC Sewer Fee	\$2.50	SC Treasurer
37	Counts	114 Ridge Lake Drive	11/28/2003	DHEC Sewer Fee	\$2.50	credited
38	Counts	114 Ridge Lake Drive	12/28/2003	DHEC Sewer Fee	\$2.50	credited
39	Counts	114 Ridge Lake Drive	1/28/2003	DHEC Sewer Fee	\$2.50	credited
40	Counts	114 Ridge Lake Drive	2/28/2003	DHEC Sewer Fee	\$2.50	credited
41	Deercreek	1744 N. Farewell Ave.	11/28/2003	DHEC Sewer Fee	\$2.50	\$2.50
42	Deercreek	1744 N. Farewell Ave.	12/28/2003	DHEC Sewer Fee	\$2.50	\$2.50
43	Deercreek	1744 N. Farewell Ave.	1/28/2004	DHEC Sewer Fee	\$2.50	\$2.50
44	Gamble	120 Oakview Circle	2/28/2004	DHEC Sewer Fee	\$2.50	credited
45	Garrison	23 Fairway Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
46	Goltz	27 North Lake Circle	2/28/2004	DHEC Sewer Fee	\$2.50	credited
47	Matthews	131 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
48	Michael	33 Plantation Drive	11/28/2003	DHEC Sewer Fee	\$2.50	credited
49	O' Donnell	15 Lake Arbu Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
50	Onesimo	111 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	SC Treasurer
51	Otto	217 Ridge Lake Drive	12/28/2003	DHEC Sewer Fee	\$15.00	credited
52	Otto	217 Ridge Lake Drive	1/28/2004	DHEC Sewer Fee	\$2.50	credited
53	Pernokas	424 Pine Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
54	Richards	148 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
55	Shick	129 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
56	Smith	19 North Lake Circle	2/28/2004	DHEC Sewer Fee	\$2.50	credited
57	Smithwick	1302 Millcreek Drive	11/28/2003	DHEC Sewer Fee	\$30.00	credited
58	Sosin	844 Bentwood Circle	11/28/2003	DHEC Sewer Fee	\$2.50	SC Treasurer
59	Sosin	844 Bentwood Circle	12/28/2003	DHEC Sewer Fee	\$2.50	SC Treasurer
60	Stein	12 Lake Arbu Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
61	Sundermen	12 Ridge Lake Drive	12/28/2003	DHEC Sewer Fee	\$2.50	correction
62	Sundermen	12 Ridge Lake Drive	1/28/2004	DHEC Sewer Fee	\$2.50	correction
63	Sundermen	12 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	correction
64	Sundermen	12 Ridge Lake Drive	3/28/2004	DHEC Sewer Fee	\$2.50	correction
65	Telesmanic	33 North Lake Circle	11/28/2003	DHEC Sewer Fee	\$2.50	credited
66	Telesmanic	33 North Lake Circle	12/28/2003	DHEC Sewer Fee	\$2.50	credited
67	Telesmanic	33 North Lake Circle	1/28/2004	DHEC Sewer Fee	\$2.50	credited
68	Telesmanic	33 North Lake Circle	2/28/2004	DHEC Sewer Fee	\$2.50	credited
69	Tittle	125 Ridge Lake Circle	2/28/2004	DHEC Sewer Fee	\$2.50	credited
70	Turnbull	117 Ridge Lake Drive	2/28/2004	DHEC Sewer Fee	\$2.50	correction

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Summary of Overcharges and Unauthorized Fees
Docket 2006-327-W5

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February 6, 2008

	A	B	C	D	E	F
1	Customer Name	Address	Date Charged	Type of Charge	Amount	6-Feb-09
71	Van Pelt	23 Lake Arbu Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
72	Waldus	144 Ridge Lake Drive	12/28/2003	DHEC Sewer Fee	\$15.00	credited
73	Wall	1153 Warrens Way	11/28/2003	DHEC Sewer Fee	\$15.00	credited
74	Wall	1153 Warrens Way	1/28/2004	DHEC Sewer Fee	\$2.50	credited
75	Wyboo	100 Recreation Drive	2/28/2004	DHEC Sewer Fee	\$2.50	credited
76	DHEC Sewer Fee Total				\$190.00	\$7.50
77						
78	Diaz, Kristal	CH-30	10/4/2004	Illegal Water Use Fee	\$135.00	SC Treasurer
79	Pringle, Yarieletricia	CH-24	9/2/2006	Illegal Water Use Fee	\$50.00	credited
80	Illegal Water Use Fee Total				\$185.00	\$0.00
81						
82	O'Connor	1154 Creek Side Drive	8/4/2004	Impact Fee	\$200.00	SC Treasurer
83	Impact Fee Total				\$200.00	\$0.00
84						
85	Roacher, Violett Harold	CH-13	5/28/2004	Reconnection/Connection Fee	\$35.00	credited
86	Warner, Sharon	CH-7	5/28/2004	Reconnection/Connection Fee	\$35.00	SC Treasurer
87	Bethune, Lashanda	CH-36	6/28/2004	Reconnection/Connection Fee	\$35.00	credited
88	Bethune, Lashanda	CH-36	7/28/2004	Reconnection/Connection Fee	\$35.00	credited
89	Bourassa, Anna Johnson	CH-42	8/28/2006	Reconnection/Connection Fee	\$35.00	refunded
90	James, Dorothy	CH-35	7/28/2004	Reconnection/Connection Fee	\$35.00	credited
91	Dingle, Connie	GR-60	8/28/2004	Reconnection/Connection Fee	\$35.00	SC Treasurer
92	Fostervold, Jennifer	CH-24	8/28/2004	Reconnection/Connection Fee	\$35.00	correction
93	Dixon, Katina	CH-3	9/15/2004	Reconnection/Connection Fee	\$35.00	\$6.50
94	Issac, Maurice	CH-46	9/28/2004	Reconnection/Connection Fee	\$25.00	N/A
95	Bethune, Lashanda	CH-36	10/28/2004	Reconnection/Connection Fee	\$35.00	N/A
96	Durant, Alethea	CH-24	10/28/2004	Reconnection/Connection Fee	\$35.00	N/A
97	Davis, Theresa	CH-11	1/28/2005	Reconnection/Connection Fee	\$35.00	\$5.50
98	Ridgeway, Raymond	CH-41	2/7/2005	Reconnection/Connection Fee	\$35.00	N/A
99	Parry, Penny	GR-56	2/28/2005	Reconnection/Connection Fee	\$35.00	\$4.00
100	Edwards, Cassandra	CH-42	7/28/2005	Reconnection/Connection Fee	\$35.00	N/A
101	Choice, Derrick	CH-13	9/28/2005	Reconnection/Connection Fee	\$35.00	N/A
102	Hudson, Janie Mae	CH-31	9/28/2005	Reconnection/Connection Fee	\$35.00	\$35.00
103	LeGrant, Regina	CH-29	9/28/2005	Reconnection/Connection Fee	\$35.00	credited
104	McMillian, Ryan	CH-47	9/28/2005	Reconnection/Connection Fee	\$35.00	SC Treasurer
105	Robinson, Diane	CH-20	9/28/2005	Reconnection/Connection Fee	\$35.00	\$19.14
106	Sanders, Phillip	CH-30	9/28/2005	Reconnection/Connection Fee	\$35.00	SC Treasurer
107	Warner, Sharon	CH-7	9/28/2005	Reconnection/Connection Fee	\$35.00	SC Treasurer
108	Conyers, Quentin	CH-12	10/28/2005	Reconnection/Connection Fee	\$35.00	N/A
109	Spence, Tom & Tina	GR-28A	11/28/2005	Reconnection/Connection Fee	\$35.00	\$26.00
110	Hudson, Janie Mae	CH-31	1/28/2006	Reconnection/Connection Fee	\$35.00	SC Treasurer
111	Rosas, Yazmin	CH-17	1/31/2006	Reconnection/Connection Fee	\$35.00	SC Treasurer
112	Brown, Windy	GR-18	4/28/2006	Reconnection/Connection Fee	\$35.00	credited
113	China, Kimberly	GR-34	4/28/2006	Reconnection/Connection Fee	\$35.00	N/A
114	China, Latonya	GR-35	4/28/2006	Reconnection/Connection Fee	\$35.00	credited
115	Jeter, Aretha	GR-4	4/28/2006	Reconnection/Connection Fee	\$35.00	N/A
116	Pruit, Keith	GR-15	4/28/2006	Reconnection/Connection Fee	\$35.00	credited
117	Watkins, Richard	GR-45	4/28/2006	Reconnection/Connection Fee	\$35.00	credited
118	Perry, Kelvin	GR-2	5/28/2006	Reconnection/Connection Fee	\$35.00	N/A
119	Hodge, Shantel	CH-44	8/28/2006	Reconnection/Connection Fee	\$30.00	\$7.50
120	Robinson, Diane	CH-20	8/28/2006	Reconnection/Connection Fee	\$35.00	\$35.00
121	Pringle, Tanetricia	CH-24	9/2/2006	Reconnection/Connection Fee	\$37.00	\$37.00
122	Green, Shakeya	CH-41	9/4/2006	Reconnection/Connection Fee	\$35.00	SC Treasurer
123	Wright, Regina	CH-12	2/4/2006	Reconnection/Connection Fee	\$58.00	N/A
124	Plum, Curtis	CH-8	5/28/2004	Reconnection/Connection Fee	\$35.00	\$3.50
125	Wells, Patsy	CH-25	7/28/2006	Reconnection/Connection Fee	\$35.00	\$12.00
126	Reconnection/Connection Fee Total				\$1,445.00	\$191.14
127						
128	O'Connor	1154 Creek Side Drive	8/4/2004	Sewer Tap Fee Overcharge	\$150.00	\$150.00
129	D&J Developers	Villa Drive	1/13/2005	Sewer Tap Fee Overcharge	\$150.00	waived
130	Jones	1017 Creekside Drive	9/5/2005	Sewer Tap Fee Overcharge	\$150.00	\$150.00
131	Jones	1073 Millcreek Drive	9/7/2005	Sewer Tap Fee Overcharge	\$150.00	\$150.00
132	Carter	715 Oak Hill Drive	10/22/2005	Sewer Tap Fee Overcharge	\$150.00	\$150.00
133	Carter Construction Co. IV	303 Lake Arbu Drive	10/31/2005	Sewer Tap Fee Overcharge	\$150.00	\$150.00
134	Sewer Tap Fee Total Overcharge				\$900.00	\$750.00
135						
136	Vanscoy, Bill	115 Oakview Circle	9/17/2002	STEP System Repair Fee	\$1,123.68	Never Paid
137	Goebel, James	128 Oakview Circle	9/17/2002	STEP System Repair Fee	\$1,123.68	Never Paid

Wyboe Plantation Utilities, Inc.
Summary of Overcharges and Unauthorized Fees
Docket 2006-327-WS

Settlement Agreement Exhibit One
February 6, 2009

	A	B	C	D	E	F
1	Customer Name	Address	Date Charged	Type of Charge	Amount	6-Feb-09
138	STEP System Repair Fee Total				\$2,247.36	\$0.00
139						
140	Deercreek Plantation PO	P.O. Box 520	4/28/2006	Water Service for Pool Fee	\$234.00	credited
141	Water Service for Pool Fee Total				\$234.00	\$0.00
142						
143	Anderson	(No Address Listed)	4/15/2002	Water Tap Fee	\$300.00	\$300.00
144	Bobby Carter	Lot 51/Reddy Court	4/22/2002	Water Tap Fee	\$300.00	\$300.00
145	LBG, Inc. Custom Homes	J-24/4 Fairway	5/8/2002	Water Tap Fee	\$300.00	waived
146	Tennanants	(No Address Listed)	5/17/2002	Water Tap Fee	\$300.00	\$300.00
147	Tennanants	(No Address Listed)	5/17/2002	Water Tap Fee	\$300.00	\$300.00
148	Hawkins Construction	Lot - 20 Millcreek	7/2/2002	Water Tap Fee	\$300.00	sewer tap
149	Summer Shores	(No Address Listed)	7/3/2002	Water Tap Fee	\$300.00	\$300.00
150	Hawkins Construction	(No Address Listed)	7/15/2002	Water Tap Fee	\$300.00	\$300.00
151	Hawkins Construction	(No Address Listed)	7/15/2002	Water Tap Fee	\$300.00	\$300.00
152	LBG, Inc. Custom Homes	M-24/506 Oak Hill Drive	8/8/2002	Water Tap Fee	\$300.00	waived
153	LBG, Inc. Custom Homes	A-62/5 Ridgelake Drive	8/8/2002	Water Tap Fee	\$300.00	waived
154	LBG, Inc. Custom Homes	508/N-4 806 Bentwood Circle	8/8/2002	Water Tap Fee	\$300.00	waived
155	(No Name Listed)	MC-36	12/19/2002	Water Tap Fee	\$300.00	sewer tap
156	Bobby Carter	113 Plantation Drive	3/23/2003	Water Tap Fee	\$300.00	\$300.00
157	Shirer	3388 White Oak	8/28/2003	Water Tap Fee	\$300.00	waived
158	Muir	45 Ridge Lake Drive	2/26/2004	Water Tap Fee	\$300.00	waived
159	Bob Sternberg	1 Green Lake Drive	3/21/2004	Water Tap Fee	\$300.00	waived
160	Tennant's Res.	Deer Creek Plantation	4/22/2004	Water Tap Fee	\$300.00	\$300.00
161	Carroll	1415 Lakeview Drive	4/30/2004	Water Tap Fee	\$300.00	waived
162	Bob Sternberg	707 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
163	Bob Sternberg	709 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
164	Bob Sternberg	711 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
165	Bob Sternberg	713 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
166	Bob Sternberg	715 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
167	Bob Sternberg	717 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
168	Bob Sternberg	719 Oak Hill Drive	5/9/2004	Water Tap Fee	\$300.00	waived
169	Tennant's Res.	1324 Warrens Way	6/3/2004	Water Tap Fee	\$300.00	\$300.00
170	Tennant's Res.	1325 Warrens Way	6/3/2004	Water Tap Fee	\$300.00	\$300.00
171	Wilson	1042 Carving Trace	6/22/2004	Water Tap Fee	\$300.00	\$300.00
172	Wilson	1420 Lake View Drive	6/22/2004	Water Tap Fee	\$300.00	\$300.00
173	Archdale Homebuilders	101 Plantation Drive	7/6/2004	Water Tap Fee	\$450.00	\$450.00
174	Archdale Homebuilders	305 Plantation Drive	7/6/2004	Water Tap Fee	\$450.00	\$450.00
175	Santee Carolina Const. Co.	1455 Blue Heron Point	11/8/2004	Water Tap Fee	\$350.00	\$350.00
176	Tennant's Res.	1413 Blue Heron Point	11/22/2004	Water Tap Fee	\$300.00	\$300.00
177	Tennant's Res.	229 Plantation Drive	11/28/2004	Water Tap Fee	\$450.00	\$450.00
178	Bobby Carter	44 Plantation Drive	11/30/2004	Water Tap Fee	\$450.00	double counted
179	Bobby Carter	205 Ridge Lake Drive	11/30/2004	Water Tap Fee	\$450.00	\$450.00
180	Boudreau, Hank	44 Plantation Drive	11/30/2004	Water Tap Fee	\$450.00	\$450.00
181	Soucy (Bobby Carter)	123 Ridge Lake Drive	12/8/2004	Water Tap Fee	\$450.00	\$450.00
182	Jones	Lot #8	1/4/2005	Water Tap Fee	\$300.00	\$300.00
183	Dig J Developers	Villa Drive	1/13/2005	Water Tap Fee	\$450.00	waived
184	Springdale Builders, Inc.	1479 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
185	Springdale Builders, Inc.	1480 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
186	Springdale Builders, Inc.	1416 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
187	Springdale Builders, Inc.	1176 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
188	Springdale Builders, Inc.	1112 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
189	Springdale Builders, Inc.	1117 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
190	Springdale Builders, Inc.	1118 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
191	Springdale Builders, Inc.	1177 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
192	Springdale Builders, Inc.	1139 Blue Heron Point	2/28/2005	Water Tap Fee	\$450.00	\$450.00
193	Pokora	41 Ridge Lake Drive	3/5/2005	Water Tap Fee	\$300.00	\$300.00
194	Carlson	6 Lake Arbu Drive	3/7/2005	Water Tap Fee	\$300.00	\$300.00
195	Page	140 Ridge Lake Drive	3/9/2005	Water Tap Fee	\$300.00	\$300.00
196	Mills	838 Bentwood Circle	3/14/2005	Water Tap Fee	\$300.00	\$300.00
197	Springdale Builders, Inc.	Lot No.'s 4,6,28,29,35,36,43,51	3/25/2005	Water Tap Fee	\$3,600.00	\$3,600.00
198	De Jong	312 Lake Arbu Drive	3/30/2005	Water Tap Fee	\$300.00	\$300.00
199	Deercreek Sales, Office	2495 Players Course Drive	4/2/2005	Water Tap Fee	\$450.00	credited
200	Hawkins Construction	1440 Lake View Drive	4/28/2005	Water Tap Fee	\$450.00	\$450.00
201	Rembert	3307 White Oak Drive	5/23/2005	Water Tap Fee	\$450.00	\$450.00
202	Duke	1352 Lake View Drive	6/17/2005	Water Tap Fee	\$450.00	\$450.00
203	Frazier	3265 White Oak Drive	7/1/2005	Water Tap Fee	\$450.00	\$450.00
204	Harrington Homebuilders	1446 Lake View Drive	7/14/2005	Water Tap Fee	\$450.00	waived
205	Symbolic Enterprise	1039 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
206	Symbolic Enterprise	1051 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived

Wyboo Plantation Utilities, Inc.
Summary of Overcharges and Unauthorized Fees
Docket 2006-327-WS

Settlement Agreement Exhibit One
February 6, 2009

	A	B	C	D	E	F
1	Customer Name	Address	Date Charged	Type of Charge	Amount	6-Feb-09
207	Symbolic Enterprise	1095 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
208	Symbolic Enterprise	1157 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
209	Symbolic Enterprise	1167 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
210	Symbolic Enterprise	1469 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
211	Symbolic Enterprise	1434 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
212	Symbolic Enterprise	1476 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
213	Symbolic Enterprise	1396 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
214	Symbolic Enterprise	1194 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
215	Symbolic Enterprise	1160 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
216	Symbolic Enterprise	1152 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
217	Symbolic Enterprise	1142 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
218	Symbolic Enterprise	1136 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
219	Symbolic Enterprise	1130 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
220	Symbolic Enterprise	1062 Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
221	Symbolic Enterprise	Blue Heron Point	7/27/2005	Water Tap Fee	\$450.00	waived
222	Rosesteel	4 Lake Arbu Drive	9/10/2005	Water Tap Fee	\$300.00	\$300.00
223	Mogavero (Rhodes paid)	Lot A-75	9/13/2005	Water Tap Fee	\$450.00	waived
224	Jones	19 Ridge Lake Drive	9/23/2005	Water Tap Fee	\$450.00	\$450.00
225	Carter	715 Oak Hill Drive	10/22/2005	Water Tap Fee	\$450.00	\$450.00
226	Carter Construction Co. IV	303 Lake Arbu Drive	10/31/2005	Water Tap Fee	\$450.00	\$450.00
227	Archdale Homebuilders I	221 Plantation Drive	11/15/2005	Water Tap Fee	\$450.00	\$450.00
228	Archdale Homebuilders II	241 Plantation Drive	11/15/2005	Water Tap Fee	\$450.00	\$450.00
229	Carter	224 Plantation Drive	3/6/2006	Water Tap Fee	\$450.00	\$450.00
230	Muir Custom Homes	313 Plantation Drive	6/23/2006	Water Tap Fee	\$450.00	waived
231	Carter	227 Ridge Lake Drive	8/8/2006	Water Tap Fee	\$450.00	\$450.00
232	Ard, Mark/Stacy	10 Lake Arbu Drive	10/21/2006	Water Tap Fee	\$450.00	waived
233	Water Tap Fee Total				\$37,850.00	\$21,950.00
234						
235	Vanscoy	115 Oak View	8/1/2002	Deposit	\$56.00	refunded
236	Olszyk	262 Ridge	7/28/2003	Deposit	\$56.00	refunded
237	Abrell, Gregory	GR-60	8/22/2003	Deposit	\$56.00	refunded
238	Sosin	844 Bentwood	9/3/2003	Deposit	\$56.00	refunded
239	Wall, James	858 Bentwood	11/1/2003	Deposit	\$56.00	refunded
240	McCoy, Stephanie	GR-28	11/20/2003	Deposit	\$56.00	SC Treasurer
241	ACM Investment Co.	1152 Warrens Way	2/23/2004	Deposit	\$56.00	refunded
242	Davis, Joseph	99 Ridge	9/21/2004	Deposit	\$56.00	refunded
243	Bradley, John & Rosa	117 Plantation	12/9/2004	Deposit	\$56.00	refunded
244	Deposit Total				\$504.00	\$0.00
245	TOTAL UNAPPROVED/UNAUTHORIZED FEE OR CHARGE				\$44,555.36	\$23,000.14
246						
247						
248						
249	correction: Customer account had already been credited					
250	credited: Amount inappropriately applied to customer account was credited to customer account					
251	double counted: Amount included on list is included on line 180					
252	refunded: Refund issued to customer					
253	SC Treasurer: Amount owed to customer provided to the State due to inability to reach customer					
254	waived: Customer waived any monies due					

Wyboo Plantation Utilities, Inc.

MAILING: PO BOX 2099

Sumter, SC 29151

Office: 803-774-2010

SHIPPING: 19 Broad Street

Sumter, SC 29151

FAX: (803) 774-2012

January 27, 2009

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

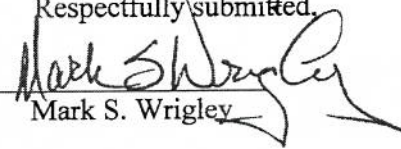
RE: • Application of Mark S. Wrigley for Approval of the Sale of a Portion of the Assets of
Wyboo Plantation Utilities, Incorporated to Clarendon County
• Docket No. 2008-445-WS
• Commitment to Personal Jurisdiction

Dear Mr. Terreni:

In compliance with Order Number 2008-852, issued in the above-referenced Docket and referencing Docket No. 2006-327-WS, I offer the following.

I, Mark S. Wrigley acknowledge that this Commission has personal jurisdiction over me in Docket No. 2006-327-WS. I further acknowledge that the assets of Wyboo Plantation Utilities, Inc. remains subject to Docket No. 2006-327-WS, until that Docket is resolved.

Respectfully submitted,


Mark S. Wrigley

SWORN TO BEFORE ME this
28 day of January, 2009.

Cynthia B. Bell (L.S.)
Notary Public for S.C.
My Commission Expires 09-08-2010

cc: Nanette S. Edwards, Esquire
Richard L. Whitt, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2006-327-WS


IN RE:

Petition of the Office of Regulatory Staff)
Regarding Wyboo Plantation Utilities,)
Incorporated's Collection and Charging of)
Unauthorized and Unapproved Rates)

CERTIFICATE OF SERVICE

This is to certify that I, Chrystal L. Morgan, an employee with the Office of Regulatory Staff, have this date served one (1) copy of the **EXPLANATORY BRIEF AND JOINT REQUEST** in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Richard L. Whitt, Esquire
Austin & Rogers, P.A.
Post Office Box 11716
Columbia, SC, 29201



Chrystal L. Morgan

February 6, 2009
Columbia, South Carolina